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REMARKS

Claims 1-28 are pending in the present application. Claims 1, 2, 6, 8-17, 21, and 23-28 are amended. Reconsideration of the claims is respectfully requested.

Amendments were made to the specification to update the cross reference to related applications. No new matter has been added by any of the amendments to the specification.

I. 35 U.S.C. § 112, First Paragraph

The Office Action objects to the specification under 35 U.S.C. § 112, first paragraph, as failing to adequately teach how to make and/or use the invention in claims 1-28. Additionally, the Office Action rejects the claims under the same reasons. Claims 1, 13, 15, 16, and 28 are amended to overcome this rejection.

II. 35 U.S.C. § 112, Second Paragraph

The Office Action rejects claims 1-28 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter, which applicants regard as the invention. Claims 1, 13, 15, 16, and 28 are amended to overcome the rejection.

III. 35 U.S.C. § 103, Obviousness

The Office Action rejects claims 1, 4-11, 13, 15, 16, 19-26, and 28 under 35 U.S.C. § 103 as being unpatentable over *Nacimi et al.* (U.S. Patent No. 6,363,416), in view of *Haley* (U.S. Patent No. 5,884,036). This rejection is respectfully traversed.

With respect to claim 1, the Office Action states:

In considering claim 1, as understood, Nacimi discloses a method in a node within a network computing system ("node"), wherein the node is associated with a first priority (the "more resourceful" node has priority; col. 10, lines 5-8), comprising:

Sending requests to the network computing system to discover other nodes within the network computing system (col. 5, lines 10-25, "requesting node performing master discovery broadcasts a master discovery request (MDReq) message over the network. The MDReq message is received by all functioning nodes within the network");

Responsive to receiving from another node in the system a response to one of the requests, identifying a second priority from the response (col. 6, lines 5-11; col. 9, lines 65-67; col. 10, lines 1-9);

Shifting to a standby mode if the second priority is higher than the first priority (col. 10, lines 1-9, wherein the less resourceful node concedes defeat, thereby shifting from a contention mode to a non-master, standby mode); and

Shifting to a master node if no response is received from any node containing a priority higher than the first priority (col. 10, lines 1-9, wherein the more resourceful node shifts from the contention mode to a master mode), after all of the relevant network nodes have been discovered (i.e. all other master).

A minor difference between Naeimi and the claimed invention, is that in Naeimi, the discover request is ignored by all non-master nodes in the network ("the MDReq message is received by all functioning nodes within the network but is ignored by all non-master nodes in accordance with the present invention." col. 5, lines 20-25), wherein the claimed invention recites "all of the nodes in the network have been discovered." Nonetheless, it is well known for a requesting network node to discover all nodes in its network, as evidenced by Haley. In a similar art, Haley discloses a network management system for discovering nodes in a network, wherein "the initiator node will be able to identify every node in the network" (col. 8, lines 30-31). Thus, a person having ordinary skill in the art would have readily recognized the desirability and advantages of requiring all of the nodes to be discovered in the system taught by Naeimi, to ensure that all nodes on the network are accounted for before any master selection occurs. Therefore, it would have been obvious to discover all of the nodes in the network taught by Naeimi, as suggested by Haley.

Office Action, dated November 10, 2003. Applicant respectfully disagrees. *Naeimi* teaches a system and method for automatic election of a representative node within a communications network with built-in redundancy. *Naeimi* states:

In a communication network where data is distributed from a central location (e.g., a server) to multiple nodes (e.g., clients), the present invention enables one of the nodes to be automatically identified as a master of the nodes for retrieving data from the central location and then transmitting the data to all peer nodes interested in receiving the data. No manual intervention or pre-operation designation of a master is required within the present invention. As such, repetitive requests for information by individual nodes are eliminated, and the volume of network traffic is thereby significantly localized.

Naeimi, col. 2, lines 2-11. Thus, *Naeimi* teaches client nodes negotiating to be a master node so that redundant requests for information from a server are eliminated.

Haley teaches a method for determining the topology of an asynchronous transfer mode (ATM) network having decreased looping of topology information cells. *Haley* teaches that an initiator node is able to discover every node in a network and construct an accurate topology.

In contradistinction, claim 1, as amended, teaches a method in a network computing system for selecting a master subnet manager. Claim 1 recites:

1. A method in a node within network computing system for selecting a master subnet manager, the method comprising:
 - sending requests from a first node to the network computing system to discover other nodes within the network computing system, wherein the first node contains a first subnet manager having a first priority;
 - receiving a response to one of the requests from a second node within the network computing system, wherein the second node within the network computing system contains a second subnet manager having a second priority;
 - comparing the second priority to the first priority;
 - shifting the first subnet manager to a standby mode if the second priority is higher than the first priority; and
 - shifting the first subnet manager to a master mode if no response is received from any node containing a subnet manager having a priority higher than the first priority and if discovery of the other nodes within the network computing system is complete.

In accordance with the presently claimed invention, a node that contains a subnet manager sends requests to discover nodes and may identify at least one other node that contains a subnet manager. Each subnet manager is associated with a priority and the subnet manager with the highest priority shifts to master mode.

Naeimi and *Haley*, taken alone or in combination, fail to teach or suggest a method for selecting a master subnet manager by comparing priorities of subnet managers, as recited in claim 1. More particularly, both *Naeimi* and *Haley* fail to teach or suggest "receiving a response to one of the requests from a second node within the network computing system, wherein the second node within the network computing system contains a second subnet manager having a second priority," "shifting the first subnet manager to a standby mode if the second priority is higher than the first

priority," and "shifting the first subnet manager to a master mode if no response is received from any node containing a subnet manager having a priority higher than the first priority and if discovery of the other nodes within the network computing system is complete," as recited in claim 1.

The applied references, taken alone or in combination fail to teach or suggest each and every claim limitation; therefore, claim 1 is not rendered obvious by the proposed combination of *Naeimi* and *Haley*. Independent claims 13, 15, 16, and 28 recite subject matter addressed above with respect to claim 1 and are allowable for the same reasons. Since claims 4-11 and 19-26 depend from claims 1 and 16, the same distinctions between *Naeimi* and *Haley* and the invention recited in claims 1 and 16 apply for these claims. Additionally, claims 4-11 and 19-26 recite other additional combinations of features not suggested by the reference.

Therefore, the rejection of claims 1, 4-11, 13, 15, 16, 19-26, and 28 under 35 U.S.C. § 103 is overcome.

The Office Action rejects claims 2 and 17 under 35 U.S.C. § 103 as being unpatentable over *Naeimi* and *Haley*, in view of *Quoc et al.* (U.S. Patent No. 6,092,214). This rejection is respectfully traversed.

Quoc teaches a redundant network management system for a stackable fast Ethernet repeater. However, *Quoc* does not teach or suggest selecting a master subnet manager, as recited in claims 1 and 16. In other words, *Quoc* does not make up for the deficiencies of *Naeimi* and *Haley*. As such, *Naeimi*, *Haley*, and *Quoc*, taken alone or in combination, fail to teach or suggest each and every limitation of claims 1 and 16. Therefore, it follows that a combination of *Naeimi*, *Haley*, and *Quoc* also fails to teach or suggest each and every limitation of claims 2 and 17 and, thus, fails to render these claims obvious.

Therefore, the rejection of claims 2 and 17 under 35 U.S.C. § 103 is overcome.

The Office Action rejects claims 3, 14, and 18 under 35 U.S.C. § 103 as being unpatentable over *Naeimi* and *Haley*, in view of *Quoc*, and further in view of *Rosner et al.* (U.S. Patent No. 6,298,376). This rejection is respectfully traversed.

Rosner teaches a fault tolerant communication monitor for a master/slave system. However, *Rosner* does not teach or suggest selecting a master subnet manager, as

recited in claims 1, 13 and 16. In other words, *Rosner* does not make up for the deficiencies of *Naeimi*, *Haley*, and *Quoc*. As such, *Naeimi*, *Haley*, *Quoc*, and *Rosner*, taken alone or in combination, fail to teach or suggest each and every limitation of claims 2, 13, and 17. Therefore, it follows that a combination of *Naeimi*, *Haley*, *Quoc*, and *Rosner* also fails to teach or suggest each and every limitation of claims 3, 14, and 18 and, thus, fails to render these claims obvious.

Therefore, the rejection of claims 3, 14, and 18 under 35 U.S.C. § 103 is overcome.

The Office Action rejects claims 12 and 27 under 35 U.S.C. § 103 as being unpatentable over *Naeimi* and *Haley*, in view of *Quoc*, and further in view of *Agnihotri et al.* (U.S. Patent No. 6,311,321). This rejection is respectfully traversed.

Agnihotri teaches an in-context launch wrapper module and a method of automating integration of device management applications into existing enterprise management consoles. However, *Agnihotri* does not teach or suggest selecting a master subnet manager, as recited in claims 1 and 16. In other words, *Agnihotri* does not make up for the deficiencies of *Naeimi*, *Haley*, and *Quoc*. As such, *Naeimi*, *Haley*, *Quoc*, and *Agnihotri*, taken alone or in combination, fail to teach or suggest each and every limitation of claims 1 and 16. Therefore, it follows that a combination of *Naeimi*, *Haley*, *Quoc*, and *Agnihotri* also fails to teach or suggest each and every limitation of claims 12 and 27 and, thus, fails to render these claims obvious.

Therefore, the rejection of claims 12 and 27 under 35 U.S.C. § 103 is overcome.

IV. Conclusion

It is respectfully urged that the subject application is patentable over the prior art of record and is now in condition for allowance.

The Examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the Examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

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Respectfully submitted,



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